

REMARKS

Claims 1-36 were pending in the above-captioned application when the present Office Action was mailed (April 6, 2006). In this response, none of the claims have been amended or cancelled. Accordingly, claims 1-36 remain pending.

In the April 6, 2006 Office Action, all the pending claims were rejected. More specifically, the status of the application is as follows:

- (A) Claims 27 and 29 were objected to as being of improper dependent form;
- (B) Claims 25, 26 and 27 stand rejected under 35 U.S.C. § 112, second paragraph; and
- (C) Claims 1-36 stand rejected under either 35 U.S.C. § 102(e) or 35 U.S.C. § 103 as being unpatentable over U.S. Published Application 2004/0254691 to Subelet ("Subelet").

A. Response to the Claim Objections

Claims 27 and 29 were objected to as allegedly failing to further limit the subject matter of the claims upon which they depend. In particular, claim 26 was objected to because it positively recites a mode control panel, and claim 29 was objected to because it positively recites an aircraft.

Claim 27 depends from claim 25. Claim 25 is directed to an aircraft system that includes a computer-readable medium having contents that perform a method identified by specific elements of the claim. These elements refer to methods steps carried out by the computer-readable medium, and make reference to an aircraft mode control panel. However, the mode control panel does not form an element of claim 25. Claim 27 positively recites the mode control panel. Accordingly, claim 27 is a proper dependent claim, and the objection to claim 27 should be withdrawn.

Claim 28 is directed to a system for handling incoming aircraft operation instructions and includes means for receiving an instruction, first display means, second display means, and third display means. Claim 29, which depends from claim 28, positively recites an aircraft that can form an additional element of the system. Accordingly, claim 29 is in proper dependent form, and the objection to claim 29 should be withdrawn.

B. Response to the Section 112 Rejections

Claims 25, 26 and 27 were rejected under 35 U.S.C. § 112, second paragraph because the phrase "the aircraft mode control panel" at line 15 of the claim allegedly lacked antecedent basis. The undersigned attorney respectfully draws the Examiner's attention to line 7 of the claim, which recites "an aircraft mode control panel." Accordingly, the Section 112 rejection of claim 25 should be withdrawn. The Section 112 rejections of claims 26 and 27 should be withdrawn for the foregoing reasons.

C. Response to the Section 102 and Section 103 Rejections

Claims 1-36 were rejected under 35 U.S.C. § 102(e) or 35 U.S.C. § 103 as being unpatentable over Subelet. In an effort to expedite prosecution of the present application, the undersigned attorney submits the enclosed Declaration Under 37 C.F.R. Section 1.131, swearing behind the filing date of Subelet, without commenting or conceding the merits of Subelet as a basis for rejecting any of the claims pending in this application. The enclosed Declaration provides corroboration for a conception date and an actual reduction to practice prior to the filing date of Subelet. Therefore, the Section 102 rejection of claim 1 should be withdrawn.

Independent claims 12, 16, 25, 28 and 33 all include features generally similar to those identified in claim 1. Accordingly, the outstanding Section 102 and Section 103 rejections of these claims should be withdrawn in light of the enclosed Declaration. Claims 2-11, 13-15, 17-24, 26, 27, 29-32, and 34-36 all depend from one of the foregoing independent claims. These claims are patentable over the applied reference because the

reference does not fairly teach or suggest the features of these dependent claims. Furthermore, Subelet is not available as a prior art reference (in light of the enclosed Declaration) for at least several of these claims (e.g., claims 2, 8, 18, 22 and 33, as well as for independent claim 12). Accordingly, the outstanding rejections of the foregoing claims should be withdrawn.

In light of the foregoing remarks and the enclosed Rule 131 Declaration, the outstanding claim rejections should be withdrawn and this application should proceed to allowance. If the Examiner discovers any issues that can be expediently handled by a telephone conference, he is encouraged to contact the undersigned attorney at (206) 359-3257.

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Respectfully submitted,

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